

REMARKS

The claims are 1 to 22. Claims 1 to 22 have been cancelled without prejudice in order to advance prosecution. Newly presented claims 23 to 40 are intended to carry forward the cancelled subject matter and more clearly define what the inventors view as the invention.

Cancelled Claims 1 to 22 stand rejected. Claims 9, 18 and 21 stand objected to because of the presence of an abbreviation. Claim 14 stands objected to because of the presence of the use of a relative term. Claims 1 to 13 and 15 to 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,726,764 to Mutti and Voronkov in view of U.S. Patent 6,559,860 to Hamilton and Schlussman. Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Mutti and Boronkov reference as modified by the Hamilton and Schlussman reference, in further view of United States Patent 6,139,627 to Duval, Batur and Bennett. In view of the cancellation of these Claims, these rejections are submitted to be moot.

Newly written Claims 23 to 40 are intended to carry forward the subject matter of the cancelled claims while more clearly defining and more precisely claiming the subject matter which the inventors believe to be the invention. Support for these claims is found *inter alia* in the specification, and in the parent application which is incorporated by reference.

It is submitted that the invention defined in these newly submitted claims is broader in concept than anything shown in the cited art. The present invention is a model based controller for a full industrial process, not simply a controller for an individual step within such a process. Thus, the references which show control of a crystallization process step, are merely an illustration of one step within the industrial process enabled by the present invention. In that the present invention provides for the inclusion of a crystallization step in the overall process under its aegis, the references have meaning. But they fall short of disclosing control of a full industrial process in which crystallization may be only one of several process steps. The model based controller of the present invention could direct the action of a crystallization step through a controller such as that taught by the references. Alternatively, the model based controller may direct the controller through every individual task within the crystallization step. But the purpose of the present invention is to direct the overall process, not simply one process step. Nothing in the art shows or suggests such overall process control. As such, it is submitted that the Claims, as presently written, are patentable over the art and should be examined, allowed, and passed to issue.

WHEREFORE, in consideration of the above amendments and arguments,
reexamination and allowance are respectfully requested.

Respectfully,

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